

OPENING STATEMENT
BY
CHAIRMAN BARRY GOLDWATER
OF THE
SENATE SELECT COMMITTEE ON INTELLIGENCE
ON S. 1324, AN AMENDMENT TO THE
NATIONAL SECURITY ACT OF 1947

JUNE 28, 1983

THE HEARING WILL COME TO ORDER.

LAST WEEK, THE COMMITTEE HEARD THE CIA'S VIEWS ON S. 1324 -- A BILL TO AMEND THE NATIONAL SECURITY ACT OF 1947. THIS LEGISLATION WOULD RELIEVE THE CIA OF SEARCHING AND REVIEWING CERTAIN OPERATIONAL FILES UNDER FOIA REQUESTS. THIS RELIEF WILL ENABLE THE AGENCY TO BECOME MORE EFFICIENT SO THAT OTHER FOIA REQUESTS MAY BE ANSWERED SPEEDILY.

I WANT TO TAKE JUST A FEW MINUTES TO OUTLINE WHY THIS LEGISLATION IS NEEDED.

IN THE EIGHT YEARS SINCE FOIA HAS BEEN IN ITS PRESENT FORM, THE CIA HAS WORKED HARD TO COMPLY WITH THE ACT. HOWEVER, IT HAS BEEN IMPOSSIBLE TO KEEP UP WITH ALL THE REQUESTS IN THE WAY THE ACT REQUIRES. I DO NOT THINK CONGRESS REALLY CONTEMPLATED WHAT BURDENS FOIA WOULD PLACE ON AN INTELLIGENCE AGENCY.

AS WE HEARD IN LAST WEEK'S TESTIMONY, FOIA MANDATES THAT IF SOMEONE REQUESTS ALL THE INFORMATION ON A CERTAIN SUBJECT, ALL THE FILES HAVE TO BE LOCATED. IN AN INTELLIGENCE AGENCY,

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MOST OF THE INFORMATION IS CLASSIFIED, BUT THAT DOES NOT END THE AGENCY'S JOB. AN EXPERIENCED PERSON MUST GO THROUGH STACKS AND STACKS OF THESE PAPERS -- SOMETIMES THEY ARE MANY FEET TALL -- TO JUSTIFY WHY ALMOST EVERY SINGLE SENTENCE SHOULD NOT BE RELEASED. IF THIS IS NOT DONE WELL, A COURT COULD ORDER THE INFORMATION RELEASED.

WHAT HAS BEEN THE RESULT OF THIS BURDENSOME PROCESS? VERY LITTLE INFORMATION, IF ANY, IS RELEASED FROM OPERATIONAL FILES WHEN THE REQUESTOR SEEKS INFORMATION CONCERNING THE SOURCES AND METHODS USED TO COLLECT INTELLIGENCE. EVEN THEN, THE INFORMATION THAT IS RELEASED IS USUALLY FRAGMENTED.

ALSO, THERE IS ALWAYS THE RISK THAT THERE WILL BE A MISTAKEN DISCLOSURE OR THAT SOME COURT MAY ORDER THE RELEASE OF INFORMATION WHICH COULD REVEAL A SOURCE'S IDENTITY OR A LIAISON RELATIONSHIP. THAT IS WHY ONLY THESE MOST SENSITIVE OPERATIONAL FILES WOULD BE EXEMPT FROM SEARCH AND REVIEW UNDER THE PROVISIONS OF MY BILL.

IT IS IMPORTANT TO KNOW THAT THIS LEGISLATION DOES NOT FRUSTRATE THE ESSENTIAL PURPOSES OF THE FOIA. REQUESTORS WILL CONTINUE TO HAVE ACCESS TO CIA FILES CONTAINING THE INTELLIGENCE PRODUCT, AND TO INFORMATION ON POLICY QUESTIONS AND DEBATES ON THESE POLICIES. ADDITIONALLY, ACCESS TO FILES FOR INDIVIDUAL U.S. CITIZENS AND PERMANENT RESIDENT ALIENS WHO SEEK INFORMATION ON THEMSELVES WILL NOT BE AFFECTED BY S. 1324.

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PRESENTLY, THE WAIT FOR A RESPONSE UNDER A FOIA REQUEST TO THE CIA TAKES ANYWHERE FROM TWO TO THREE YEARS. THIS KIND OF SITUATION BENEFITS NO ONE. BY EXEMPTING THESE OPERATIONAL FILES FROM SEARCH AND REVIEW, THE PROCESSING OF ALL OTHER REQUESTS CAN BE COMPLETED MUCH SOONER. THUS, THE PUBLIC WILL RECEIVE INFORMATION WHICH IS RELEASABLE UNDER THE FREEDOM OF INFORMATION ACT AND PRIVACY ACTS IN A FAR MORE EFFICIENT AND SATISFYING MANNER.

TODAY WE HAVE WITNESSES FROM VARIOUS ORGANIZATIONS THAT COULD BE AFFECTED BY THIS LEGISLATION. WE HAVE THE DEPARTMENT OF JUSTICE, THE ASSOCIATION OF FORMER INTELLIGENCE OFFICERS, THE AMERICAN CIVIL LIBERTIES UNION, THE SOCIETY OF PROFESSIONAL JOURNALISTS, THE AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION, THE [REDACTED] ABA STANDING COMMITTEE ON LAW AND NATIONAL SECURITY, AND THE NATIONAL COORDINATING COMMITTEE FOR THE PROMOTION OF HISTORY.

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WE LOOK FORWARD TO HEARING YOUR TESTIMONY.

OUR FIRST WITNESS IS MARY LAWTON, COUNSEL ON INTELLIGENCE POLICY AT THE DEPARTMENT OF JUSTICE. MS. LAWTON, PLEASE BEGIN.